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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,008	10/28/2003	Steve W. Rodgers	15128US02	4253
23446 7590 08/08/2007 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER HOANG, DANIEL L	
			ART UNIT 2136	PAPER NUMBER
			MAIL DATE 08/08/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/695,008	Applicant(s) ROGERS, ET. AL	
	Examiner Daniel L. Hoang	Art Unit 2136	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☒ The period for reply expire 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) ~~as set forth~~ (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


Continuation of 11. does NOT place the application in condition for allowance because: Applicant has requested that examiner respond to the following requests:

1. With regard to the objections of claims 7, 10 and 21, it appears that the Examiner may be limiting the scope of the claimed inventions to particular embodiments as set forth in the specification. If this is the case, Applicant respectfully requests that the Examiner note such an allegation for the official record.
2. With regard to the anticipation rejection based on Richard, the Examiner alleges that the "Examiner interprets the combination of the non-linear pseudo-random bit sequence with clear text data is equivalent to bit rolling". Office Action Made Final at page 3. Applicants respectfully request that the Examiner note where the "rolling" is described in Richard. It is respectfully requested that the Examiner explain with particularity how bit rolling is taught by combining a non-linear pseudo-random bit sequence with data. Applicants do not understand Examiner's allegation that combining a random number with data is bit rolling. How is the encrypted data being bit rolled? It is respectfully requested that the Examiner provide citations to Richard in support of the anticipation rejections.
3. With regard to the anticipation rejection based on Luyster, the Office Action Made Final provides a number of clarifying arguments as set forth on pages 3 and 4. It is respectfully requested that the Examiner provide citations to Luyster in support of the anticipation rejections as clarified on pages 3 and 4 of the Office Action Made Final.

The following are Examiner's responses to the above request:

1. Such is not the case. The claim is objected to based on the way they are written and examiner does not believe that the objections have been brought up due to the limiting of the claimed inventions to particular embodiments as set forth in the specification. The previous office action's have already established examiner's interpretation of the claim and the reasons for the objections of the claims as they stand. Examiner requests to be notified if such interpretations are incorrect.
2. Applicant describes bit rolling as possibly being related to a processing of a key and an address. Applicant further discloses a bit rolling operation may include, for example, rotating bits within particular roll regions of the incoming data. Based on these descriptions of bit rolling as disclosed by applicant, examiner interprets the process taught by Richard to be analogous. Richard teaches that the data is combined with a portion of non-linear pseudo-random bit sequence signal to provide a partially encoded signal. The newly formed signal changes the original presentation of the data which is interpreted by examiner to be analogous to bit rolling. If such interpretation is incorrect, examiner requests that applicant distinctly clarify a definition of the claimed bit rolling and show how it differs from examiner's interpretation.
3. The clarifying arguments present on pages 3 and 4 of the previous office action do not clarify any rejections made in prior office actions. It is unclear to examiner what applicant requests by asking for citations in Luyster in support of the anticipation rejections as clarified on pages 3 and 4 of the office action made final. Said clarifying arguments were made to further clarify examiner's understanding of the previously presented claims and how they were insufficient to overcome the office action's rejections.

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